THE HON'BLE MR JUSTICE ELIPE DHARMA RAO

WRIT PETITION NO.16642 of 2005

28th July 2005

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Between:

Kadali Krishna Murthu, S/o.Mutyalu, 65 years, D/o.Donthupalli, West Godavari District.

...PETITIONER

AND

1. The Revenue Divisional Officer (Appellate Authority), Kovvur, West Godavari District.
2. The Mandal Revenue Officer, Attili, West Godavari District.

...RESPONDENTS

THE HON'BLE MR JUSTICE ELIPE DHARMA RAO

WRIT PETITION NO.16642 of 2005

ORDER:

The petitioner filed this Writ Petition seeking a writ of Mandamus to direct the first respondent to hear the appeal filed by him and dispose of the same in accordance with law.

The facts in brief are that the second respondent issued a show case notice dated 28.02.2005 to the petitioner under Rule 3 of the A.P.Assigned Lands (Prohibition of Transfers) Rules, 1977 as he was found to have assigned the wet lands admeasuring Ac.1.31 cents situated in Survey No.159/2, Manchili Village in contravention of the provisions of Section 3 (2) of the A.P.Assigned Lands (Prohibition of Transfers) Act, 1977. In response to the same, the petitioner submitted his explanation dated 30.04.2005. Without conducting any enquiry and without giving any opportunity to the petitioner, the second respondent passed an order dated 28.05.2005 directing the Mandal Revenue Inspector-2 to take possession of the land possessed by the petitioner and to hand over the same to the Panchayat Secretary for safe custody until further orders. Aggrieved by the said order, the petitioner preferred an appeal which is pending consideration since

16.07.2005. Apprehending dispossession of the land at the hands of the second respondent, the petitioner filed the present Writ Petition.

Considering the facts and circumstances of the case, I deem it appropriate to dispose of the Writ Petition at the admission stage.

The Writ Petition is accordingly disposed of directing the Revenue Divisional Officer (Appellate Authority) to dispose of the appeal dated 16.07.2005 in accordance with law within twelve days from the date of receipt of a copy of this order. Till such time, the respondents are directed not to dispossess the petitioner from the suit schedule property.

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(ELIPE DHARMA RAO, J)

28th July 2005

RRB